

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT **MAY 22 2012**  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
\_\_\_\_\_  
DIVISION

JAMES W. McCORMACK, CLERK  
By: \_\_\_\_\_ *[Signature]* DEPT. CLERK

CASE NO. 1:12CV00046 DPM/jggv

Jury Trial: ☒ Yes ☐ No  
(Check One)

I. Parties

In item A below, place your full name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

Name of plaintiff: Dwight C. Hopson  
ADC # 148462

Address: 300 Correction Drive, Newport, AR 72112

Name of plaintiff: \_\_\_\_\_  
ADC # \_\_\_\_\_

Address: \_\_\_\_\_

Name of plaintiff: \_\_\_\_\_  
ADC # \_\_\_\_\_

Address: \_\_\_\_\_

This case assigned to District Judge Marshall  
to Magistrate Judge Olpe

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, his place of employment in the third blank, and his address in the fourth blank.

B. Name of defendant: Preston Glenn

Position: Sheriff

Place of employment: Pike County

Address: 300 Industrial Park Drive, Murfreesboro, AR 71958

Name of defendant: Melvin Nance

Position: Doctor

Place of employment: Grimes Units

Address: 300 Correction Drive, Newport, AR 72112

Name of defendant: Wendy Kelly

Position: Deputy Director of Health Programs

Place of employment: Grimes Unit

Address: 300 Correction Drive, Newport, AR 72112

Name of defendant: John Maples

Position: Warden

Place of employment: Grimes Unit

Address: 300 Correction Drive, Newport, AR 72112

II. Are you suing the defendants in:

- ☐ official capacity only  
☐ personal capacity only  
☒ both official and personal capacity

III. Previous lawsuits

- A Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_ No ☒

- B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

- ☐ Parties to the previous lawsuit:

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

- ☐ Court (if federal court, name the district; if state court, name the county):

- ☐ Docket Number: \_\_\_\_\_
- ☐ Name of judge to whom case was assigned: \_\_\_\_\_
- ☐ Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
- ☐ Approximate date of filing lawsuit: \_\_\_\_\_
- ☐ Approximate date of disposition: \_\_\_\_\_

IV. Place of present confinement: Grimes Unit

V. At the time of the alleged incident(s), were you:  
(check appropriate blank)

\_\_\_\_\_ in jail and still awaiting trial on pending criminal charges

☒ serving a sentence as a result of a judgment of conviction

\_\_\_\_\_ in jail for other reasons (e.g., alleged probation violation, etc.)  
explain: \_\_\_\_\_

VI. The Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997e, requires complete exhaustion of administrative remedies of all claims asserted, prior to the filing of a lawsuit. There is a prisoner grievance procedure in the Arkansas Department of Correction, and in several county jails. Failure to complete the exhaustion process provided as to each of the claims asserted in this complaint may result in the dismissal without prejudice of all the claims raised in this complaint.

Did you file a grievance or grievances presenting the facts set forth in this complaint?

Yes ☒ No \_\_\_\_\_

Did you completely exhaust the grievance(s) by appealing to all levels within the grievance procedure?

Yes ☒ No \_\_\_\_\_

If not, why? \_\_\_\_\_

## VII. Statement of claim

State here (as briefly as possible) the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

- 1 The court has jurisdiction over the plaintiffs claims of violation of Federal Constitutional Rights under 42 U.S.C. "1331 (1) + 1343. The court has supplemental jurisdiction over the plaintiff, namely, Dwight C. Hopson is a born citizen of the United States. as well as the State of Arkansas.
- 2 I am currently an inmate within the Arkansas Department of Correction (A.D.C.) at the Grimes Unit at 300 Correction Drive, Newport, AR 72112. State Law tort claims of negligence under 28 U.S.C. '1367. At all times relevant + mentioned to herein. Corizon, Inc. (FKA)
- 3 Correction Medical Services). Medical Care Provider, is the Medical Care provider. Contracted to provide quality medical care to all inmates at. Within the Arkansas Department of Correction. The defendant "Dottie Yarbrough" at all times relevant is the Regional Administrator
- 4 for Corizon. Inc. medical provider for the A.D.C. with the knowledge. Tacit Authorization + oversees of all Corizon Inc. medical employees, agents, actors, representatives

at all ADC Units offices at P.O. Box 8707, Pine Bluff, AR 71611. The defendant, Dr. Melvin Nance, medical doctor. At all times relevant, is the medical doctor at the Grimes Unit & is responsible for the medical care of inmates, including the plaintiff. Corizon. Inc. Dottie Yarbrough, Dr. Nance are medical care providers at the A.D.C. Units, who had committed either actually, directive, or indirectly in deliberately causing physical injury & medical harm by "not" providing needed & adequate medical care such resulting in both "Deliberate Indifference" & "Cruel & Unusual Punishment". All defendants Sheriff Preston Glenn of Pike County, Warden Page at the time was active of this incident, Warden Guy, Maples, Gana, Billy Cowell HSA, Wendy Kelly Deputy Director, Dan Burst Vice President of Operations, Ray Hobbs Director & Betty Hutchinson APN. All defendant above have acted & continued to act under Color of State. And is being sued in their individual & official capacities. First of all, I'm not doing this out of retaliation, its done for the injustice I have received with the lack of treatment & professional health care for the 22 months, I was incarcerated. Might I add that my work restriction was caused due to my eye sight, not the fact APN. Hutchinson stated that I had bone deterioration in my right shoulder, which Grimes Unit Infirmary did nothing to help that or the lower back spasms I had since 2004, 14 inch

- pins in my left hip, blood clot in my right leg, that has developed soars, since I was under Sheriff Preston Glenn at Pike County / ADC holding Facility, wit major nose bleeds. Before I took my time on Sept. 9, 2010, I seen my Dr., Joesph L. Parker out of Hope, AR who can prove that my health condition is way better, before I came to Pike County & Grimes Unit, the places that are held accountable for my body not receiving the proper medical attention.
- 11
- 12 An issue at Pike County, is they water had or still has black smudge in their water system pipeline, which when it fills up & with filthy black smudge. In 2006 of Dec. I had neaumonia on my left lung & my limp noids was the size of golfball, so I laid in the hospital
- 13 leg elavated taken three shots a day for six months which allowed my limp noids to close up in my chest. Producing blood clots in my leg & chest & my treatment for this where from 2006 to 2009, shawed on record that the clots were either gone or none active, arriving at Pike County
- 14 where the water is terrible, which was a major concern amongst me & the people that were sent there tried to get Preston Glenn to change the pipes, but he refused. We had to drink & bathe in the water for however long we were incarcerated, leading to my blood clot to be in
- 15 riched by the minerals in the water, which as of now has put me in so much pain, after all of my sick calls & complaining with request they still put me as shower porter & sit by while I struggle with my injury.

dries out of the cups that we bought off of the  
 store, a dark ring forms around the mouth of the  
 16 cup & at the bottom of the cup is a tar like  
 substance, which the blood clot that I had in  
 my right leg since 2006 was dead, until I started  
 Taking ~~Taking~~ showers in that water at Pike County. The tar  
 substance alerted not only me, but the pod I was  
 17 in Tybis Tidwell, Jamie Hawthorn, Rodney Sockwell,  
 Forrest Felmons, & many others that was held during  
 2010 of that time. ~~From~~ being there for two months  
 & showering, I developed soars on my right leg, also  
 activating the blood clot from the minerals of the  
 18 water. One example I could wake up with my leg  
 normal, use the urinal, wash my face, & brush my teeth  
 by then my leg would be three sizes bigger with  
 immense pain, it would only go down when I laid  
 down my leg would return normal & this has been  
 19 going on since my showers in Pike County up until  
 now as I write this statement. While I was in  
 pain I never thought about grievances at Pike  
 County, but sick calls I put in & they gave me  
 20 Benerdril, which did nothing for my pain. It was  
 two weeks before I came to prison when a  
 Doctor started me on blood thinners, by then my  
 toes all the way up under my knee was swollen,  
 also gave me medical hoses. At times my leg  
 21 was green & had a & still has a dead odor  
 to it, which I was laid up not able to move, so

- If you retrieve the sick calls from Pike County + talk to my witnesses you will see. Far as my sick calls from Grimes Unit, I tried several times to get copys
- 22 + even sent three or four request to review my medical jacket, but they never let me. When I made it here Dec. 8, 2010, I was on the Squad from Dec. to Feb., before I got my class 1-C. In my medical jacket I'm not supposed to stoop, crouch, bend over, or squat
- 23 not lifting twenty pounds, by putting me on the Squad was not right nor justified. Given the information from dianogestic + my free world history, which they refused to get from my Dr. Joesph L. Parker on three different occassions. Results of lacking
- 24 communication ending with me as shaver Porter for two years, causing me much pain + suffering as I was told to "bend down + get these showers or you can go to the hole." I was told by C.O. England back in 2011 of April. Even when I'm not suppose to be
- 25 standing for long, making me bend over, stoop down, causing my ankle to bleed badly everytime I put pressure on it, Being M-2 meant I was to do no prolonged stooping, walking, or standing. I informed the classification Officer Ms. Ramsey + my
- 26 Supervisor Ms. James on six occassions to get a job change because of my health, they ignored me + made my injuries worse. Warden Page is also at fault, being that he was the active Warden of 2010-2011 at Grimes Unit, After my request



27 which was never given a response. On record I continued with effort to obtain an adequate evaluation of my medical condition by health care providers, but had no success. No squatting is apart of my medical limitations. My witnesses from Pike County that can tell  
 28 you about + how my leg was those two months are Allen Fair, Rodney Sockwell, Jamie Hawthorn, Tybis Tidwell, Forrest Felmons, Rodney + Sarah that work for Pike County Sheriff's office. While I'm in Grimes Unit Charlie Edwards (P.O.), (C.O.) Gay, (Cpl.) Uttely, Inmates  
 29 Eddie Garrett, Tyler Marks, Antonio Crittton, + many other Inmates that shared living Quarters with me, was at times hidbus, with a smell, + looked green at times. Nothing was never done at all, that different pain medication they put me on didn't work for my pain at all. The only  
 30 thing saving my leg is the warfin. Being forced to do work caused futher injurie to my body. In order to prevail on my claim that my work assignment was inappropriate, because of my existing medical condition, I'm showing that this ADC + Prison were deliberately  
 31 showing indifference to my medical need. They compelled me to perform labor that is beyond my strength, also dangerous to my life + Health, being that the blood clot I have can go to my heart with all that bending + stooping which is unduly painful. My evidence in records  
 32 supports the findings that I have medical restrictions. Classifications Board knew of my restrictions, that my work assignment was contrary to the restrictions

32 + that neither official took action to rescue me from work that was dangerous to my health + in fact resulted in damage to my body, such as lower back spasms, nose bleeds, + my leg to stay swollen + bleed out of the scar on my leg. The Classification Board had responsibility for my shower duties, Ms. Ramsey had disregarded my request for reevaluation of my assignment, Although they aware of my request, leaving me to experience debilitating injuries. Therefore there is sufficient evidence for any court to find Grimes Unit, Classification Board, + Pike County liable for violating my rights. The evidence + inferences therefrom established, that I told Grimes Unit Infirmary I had medical condition restricting my ability to work + that confirmation of my physical limitations are in my files + they failed to inquire further. Whether the defendants had actual knowledge of my risk is a factual inquiry + the trier of fact found they had the requisite knowledge. These findings were not clearly erroneous. Classification Board was involved in assigning me to dangerous work without reviewing my medical history, even with me pleading + sending request for job changes about this type of work being dangerous for my health. This is sufficient to support the finding that the classification board was responsible for the injuries I received. I should not be compelled to perform labor that is beyond my strength, unhealthy, + unduly painful. I first started as a shower Porter

Feb. of 2011, which was so painful for me having to squat, bend over, by putting pressure on my ankle, strain on my back, also my left leg is longer than my right due to the 14 inch pins in my left hip. On April of 2011

39 I was in housing (1) Brks. (3), cleaning the shower to the best of my ability, when a sharp pain was immense on my leg, so as I stop to get relief off of my leg (Cpl.) England approached me & said "if I don't get back to work I was gone lose my class

40 & be thrown in the hole". The evidence & inferences therefrom also established I told (Cpl.) England that I had a medical condition restricting my ability to work & that confirmation of my physical limitations in my file & (Cpl.) England, failed to

41 inquire further. Requisite actual knowledge of substantial risk to my factual inquiry & may be inferred from circumstantial evidence, prison official would not escape liability. Treatment I received in prison & conditions under which I

42 was confined are subject to scrutiny. Which allows me medical care & reasonable measures to guarantee my safety, that they have did poorly. I was incarcerated under conditions posing substantial risk of serious harm & that the Infirmary displayed

43 "deliberate indifference" to my health & safety. "Subjective recklessness" standard is how the Grimes Unit Infirmary have acted with "deliberate indifference" to my health & safety of health care provision.

44 Towards me my injuries were worsen, by making me  
clean the showers without any protection on my  
right leg, which has open soars on it, is proscribe  
torture & other barbarous methods of punishment,  
physically, & embodies broad idealistic concepts  
of dignity civilized standards, of humanity &  
45 decency against, which courts must evaluate  
penal measures. Government has obligation to  
provide medical care for those whom it is  
punishing by incarceration. Substantive limits on  
what can be made unnecessary suffering on me  
46 caused by wanton infliction of pain. Infliction of  
unnecessary by failure to treat my medical needs  
is inconsistent with contemporary standards of  
violations. Deliberate Indifference is manifested by  
prison doctors in response to my needs or guards  
47 in intentionally making me do work, when I explain  
my leg is hurting, which is interfering with treatment  
that benefits my health, regardless of how evidenced  
deliberate indifference to my injury. State, cause of  
action under statute. Inadvertent failure to provide  
48 adequate medical care to an inmate cannot be  
said to constitute a wanton infliction of unnecessary  
pain on me to be repugnant to conscience of mankind  
for purpose of providing cause of action under civil rights  
statute. Grimes Unit Infirmary has been  
49 negligent in diagnosing or treating my medical  
condition. I am stating a cognizable claim under

civil rights statute because of inadequate medical care, there are allege acts or omissions sufficiently harmful to evidence deliberate Indifference to serious  
50 medical needs. Long as I have been at this Unit, there has been no ultra-sound, which lets me know where the blood clot is at, that the Doctor haven't seen me once for. Next as a precaution to lay with my leg elevated until the swollen goes down, has been  
51 another no go. They never tried none of these free world remedies to keep my leg from swelling or swollen which has me in pain right a 8:45 5-2-12. I asked numerous of times to be seen for all of the health issues that aile's me, nothing was done about  
52 it besides the irrelevant pain medicines they said would work which, they didn't. Ibuprofen's 600, 800, Meloxicam + Tegratal, which had no affect on me at all. Just as well when I sent sick calls in, I also put request's in for job changes. Even being here for 19 months  
53 disciplinary free, my plea for help was denied everytime. By me not receiving the proper treatment, actually produce physical torture or a lingering death. Denial of medical care may result in pain & suffering, the infliction of such unnecessary suffering is inconsistent with  
54 contemporary standards in modern legislation. It is but just that the prison be required to take care of me. who cannot by reason of the deprivation of my liberty, care of myself. In varying degrees of detail, the standards of medical care wasn't provided for me.

55 Dr. Nance never tried to put me in the infirmary for  
six months as previous Dr. did in terms of my sickness  
to watch my progress, but putting me on pills nor not  
even checking my leg once that I recall, also refusing  
me to be seen by a freeworld Doctor + staff. Grimes  
56 Unit refuses to administer the prescribed pain killers  
+ renders showing care + concern for my leg requiring  
me to stand despite I can't work due to me being  
on disability in society. My complaint represents a  
crude attempt on Pike County/ADC. holding facility +  
57 Grimes Unit Infirmary administering medical care  
where I'm confined. Fairly construed, my complaint alleges  
that my right leg started developing soars, when I  
started showering at Pike County 2010 of Sept. +  
it continued over at Grimes Unit from Dec. of 2010  
58 all the way up to now as I write, as a result of that  
indifference, I have been mistreated + my condition  
has worsened. The indifference is allegedly manifested,  
not merely by the failure or refusal to diagnose +  
treat my leg properly, but also by the conduct of the  
59 prison staff. Making me perform work assignments  
which I am physically unable to perform. The medical  
attention that I received wasn't the best they  
could do + should be found guilty of negligence +  
malpractice. This poorly drafted complaint attempts to  
60 describe conditions which resemble those reported, but  
doesn't go any further. Forcefully that these facts alleged  
that this complaint amounts to a violation. The constitutional

question about the states duty to provide medical care for me, so therefore I'm submitting my lawsuit  
61 on sheriff Preston Glenn, Pike County/ADC holding facility, Warden Page, Maples, Guy, Gana, Ms. Ramsey, Classification Board, Dr. Melvin Nance M.D., Billy Cowell HSA, Corizon Inc. Medical Care Provider, Wendy Kelly Deputy Director of health Programs, Dan Burst Vice  
62 President of Operations, Ray Hobbs Director + Betty Hutchinson APN, for deliberate Indifference to my health + tacit Authorization of violative practices at Grimes Unit, resulting in deterioration of a physical injury + cruel <sup>1</sup>/<sub>3</sub> unusual punishment. As of the above  
63 mentioned date I am still suffering from a strong odor from my leg with immense pain due to a lack of adequate medical care. I have continued to suffer with unbearable pain + swollen blood clot with blood loss. In violation of my 8<sup>th</sup> Amendment.

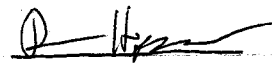
## "Relief Requested"

Wherefore, plaintiff requests that the court grant him the following relief.

- A) Issue a "Declaratory Judgement" stating that:
- 1). The inadequate medical care by Defendants "Preston Glenn", "Wendy Kelly", + "Dr. Melvin Nance" violated the plaintiff's rights under the 8<sup>th</sup> Amend. of the United States Constitution + constituted negligence under state law.
- B) Issue an "injunction" ordering the Defendants or their agents to:
- 1). Immediately arrange for an physical procedure to be conducted on the plaintiff, + follow up with any prescribed treatment.
- C) Award "Compensatory Damages" in the following amounts:
- 1). \$1,000,000.00 against Defendant "Preston Glenn" + Pike County, for the physical + emotional injury sustained as a result of Deliberate Indifference.
  - 2). \$1,000,000.00 against Defendant Dr. M. Nance for the physical + emotional injuries sustained as a result of "Deliberate Indifference".
  - 3). \$1,000,000.00 against Defendant Wendy Kelly for the physical + emotional injuries sustained as a result of Deliberate Indifference.
- D) Award punitive damages in the following amounts: \$3,000,000.00
- I declare under penalty of perjury (18 U.S.C. § 1621) that the foregoing is "true" + "correct". Executed on this 2nd day of May 2012



Respectfully Submitted.

Dwight C. Hopson Is! 

Dwight C. Hopson #148462

Grimes Unit

300 Correction Drive

5-4-12

Newport, AR 72112

**UNIT LEVEL GRIEVANCE FORM (Attachment I)**Unit/Center GrimesName Dwight HarrisonADC# 143462 Brks # 9 Job Assignment Warden

FOR OFFICE USE ONLY

GRV. # \_\_\_\_\_

Date Received: \_\_\_\_\_

GRV. Code #: \_\_\_\_\_

5-2-12 (Date) STEP ONE: Informal Resolution5-3-12 (Date) STEP TWO: Formal Grievance (All complaints/concerns should first be handled informally.)If the issue was not resolved during Step One, state why: Miam I need medical provision & attention as soon as possible please help me

(Date) EMERGENCY GRIEVANCE (An emergency situation is one in which you may be subject to a substantial risk of physical harm; emergency grievances are not for ordinary problems that are not of a serious nature). If you marked yes, give this completed form to the designated problem-solving staff, who will sign the attached emergency receipt. If an Emergency, state why: \_\_\_\_\_

Is this Grievance concerning Medical or Mental Health Services? ☒ If yes, circle one: medical or mental**BRIEFLY** state your one complaint/concern and be specific as to the complaint, date, place, name of personnel involved and how you were affected. (Please Print): I would like to get a responsefrom the Director or Deputy Director Wendy Kelly, about the poor health care I have received, since I been here in 2010, which no precautions were attempted, such as an ultrasound I asked for to find out where the blood clot was at, and pain medication, even been taken to an free world Doctor all denied or replaced with unprofessional help. My leg is in so much pain & has been having a dead smell to it for 8 months now & nothing has been done about so I'm submitting this complaint against Dr. Melvin Nance M.D., Kelly Cowell HWA, Corizon Inc. Medical Care Provider, Wendy Kelly Deputy Director of health Programs, Ann Rurst Vice President of Operations, Ray Hobbs Director & Betty Hutchinson APN, for Deliberate Indifference to my health & tacit Authorization of violative practices resulting in deterioration of a physical injury & cruel & unusual punishment (8th Amer.) As of the above mentioned date, I continue to suffer with this pain & smell due lack of medical care.D Harrison  
Inmate Signature5-2-12  
Date

If you are harmed/threatened because of your use of the grievance process, report it immediately to the Warden or designee.

**THIS SECTION TO BE FILLED OUT BY STAFF ONLY**This form was received on 5-2-12 (date), and determined to be Step One and/or an Emergency GrievanceNo (Yes or No) This form was forwarded to medical or mental health yes (Yes or No). If yes, name of the person in that department receiving this form: \_\_\_\_\_ Date \_\_\_\_\_Tony Bell 72776 Tony Bell 5-2-12  
FIRST STAFF NAME (PROBLEM SOLVER) ID Number Staff Signature Date Received

Describe action taken to resolve complaint, including dates: \_\_\_\_\_

Tony Bell 5-2-12  
Staff Signature & Date Returned Inmate Signature & Date Received

This form was received on \_\_\_\_\_ (date), pursuant to Step Two. Is it an Emergency? \_\_\_\_\_ (Yes or No).

Staff Who Received Step Two Grievance: \_\_\_\_\_ Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ (Forwarded to Grievance Officer/Warden/Other) Date: \_\_\_\_\_

If forwarded, provide name of person receiving this form: \_\_\_\_\_ Date: \_\_\_\_\_

**DISTRIBUTION: YELLOW & PINK** - Inmate Receipts; **BLUE**-Grievance Officer; **ORIGINAL**-Given back to Inmate After Completion of Step One and Step Two.